

Message Text

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GENEVA FOR AMBASSADOR CLINGAN, LOS DEL

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S E C R E T NASSAU 1349

E.OGM QQYTWC GDS
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SUBJ: US/BAHAMAS SPINY LOBSTER TALKS

REF: NASSAU 1338 AND 1339

FROM US DELEGATION. FOR ARA - ASST SEC ROGERS, OES/OFA,
L/OES AND ARA/CAR

1. REFTELS DESCRIBED SITUATION THROUGH FRIDAY, 15 AUGUST,
AND PROMISED ADDITIONAL ANALYSIS AND RECOMMENDATIONS. WHILE
TODAY'S TALKS (MONDAY) WERE ON SUBSTANTIVE ISSUES, US DEL IS
STILL VERY UNCERTAIN ABOUT FINAL OUTCOME.

2. SITU
TION HERE IS PECULIAR. IT SEEMS CLEAR TO US DEL
NOW THAT GCOB NEVER HAD ANY REAL INTENTION OF NEGOTIATING A
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FISHERIES AGREEMENT WITH THE USG. WHILE WE MAY YET TURN THAT
AROUND, THEY HAVE REPEATEDLY STATED THAT THESE TALKS WERE
ONLY TO DETERMINE WHETHER OR NOT THERE IS ANY BASIS FOR
AGREEMENT AND NOT REPEAT NOT AGREEMENT NEGOTIATIONS. THEY

HAVE TAKEN SAME LINE WITH CUBA, WHO HAS ALSO REQUESTED NEGOTIATIONS FOR A FISHERIES AGREEMENT.

3. CONCURRENTLY, SPEECHES IN PARLIAMENT AND INTERVIEWS FOR RADIO AND PRINT MEDIA BY PRIME MINISTER PINDLING, MINEXTAFF ADDERLEY AND MINAGFISH ROBERTS, HAVE CONSISTENTLY MADE POINT THAT FISHERIES RESOURCES OF BAHAMIAN CONTINENTAL SHELF MUST BE RESERVED FOR THE SOLE USE OF BAHAMAS, BOTH NOW AND FOR FUTURE GENERATIONS. WHILE MOST OF THE INTEREST HAS CENTERED ON SPINY LOBSTER, THE SPEECHES HAVE FREQUENTLY INCLUDED FINFISH AS WELL. GCOB HAS ANNOUNCED COMMITMENTS FROM UNDP AIMED AT SUBSTANTIAL ASSISTANCE IN DEVELOPING BAHAMIAN LOBSTER INDUSTRY TO MAJOR PROPORTIONS BY 1977.

4. FIRST STEP IN, INTER ALIA, FISHERIES DEVELOPMENT WAS ESTABLISHMENT OF ARCHIPELAGO CONCEPT. SECOND STEP WAS PASSAGE OF CSFR LAW PATTERNED AFTER US LAW (16 USC 1081 ET SEQ.) GM THIRD STEP SEEMS TO BE UNDP ASSIST. FOURTH STEP, IN BAHAMIAN VIEW, MAY POSSIBLY BE SEEKING CAPITAL INVESTMENT IN FISHERIES DEVELOPMENT FROM US OR OTHER INVESTORS. GM THE THOUGHT THAT THERE MIGHT BE SOME DIFFICULTY IN OBTAINING OBEDIENCE TO BAHAMIAN LAW BY US BASED LOBSTER FISHERMEN APPARENTLY HAS NOT WORRIED THEM.

5. GCOB IS APPARENTLY CONFIDENT THAT USG MUST ACT TO REQUIRE RESPECT OF BAHAMIAN CLAIM, THAT USG HAS THE ABILITY TO ACTUALLY PREVENT US BASED FISHERMEN FROM FISHING THE BAHAMIAN BANKS, AND THAT USG WILL IN FACT EXERCISE THAT ABILITY TO PREVENT CONFRONTATION AND TO PRESERVE GOOD NAME OF USG IN WORLD OPINION.

6. TO GCOB IT IS APPARENTLY INCONCEIVABLE, IN VIEW OF US CSFR LAW, THAT USG WOULD IMPOSE ANY SANCTIONS AGAINST BAHAMAS IN THE EVENT OF THEIR REFUSAL TO FIND A BASIS UPON WHICH TO NEGOTIATE A FISHERIES AGREEMENT, AND THEY ARE CLEARLY NOT CONCERNED ABOUT POTENTIAL UNION BOYCOTT OF CRUISE SHIPS OR OTHER SHIPPING.

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BASED ON PAST EXPERIENCE, THEY SEE BOYCOTT AS UNLIKELY TO BE EITHER PROTRACTED OR PARTICULARLY DAMAGING. PM PINDLING HAS SAID ON MORE THAN ONE OCCASION THAT HE WOULD RELY ON THE POWER OF WORLD OPINION SHOULD USG OF US CITIZENS TRY ANY SUCH ACTIONS.

7. THERE IS STRONG FEELING AMONG GCOB OFFICIALS THAT THE LOBSTER RESOURCE IS OVERFISHED, THAT THE OVERFISHING IS OVERWHELMINGLY THE RESULT OF US BASED FISHING EFFORT, ESPECIALLY CUBAN REFUGEE PAROLEES, AND THAT ALL THE LOBBYERS SHOULD BE RESERVED FOR BAHAMAS. ALL POLITICAL ELEMENTS SEEM UNITED IN THIS VIEW.

8. FROM QUESTIONS RAISED BY GCOB DURING DISCUSSION OF CITIZENSHIP ISSUE, IT APPEARS THEY HAD ANTICIPATED BEING ABLE TO BREAK OFF TALKS ON CONTENTION THAT FLORIDA LAW DISCRIMINATED AGAINST NONCITIZEN CUBAN REFUGEES, FORCING THE RESIDENT ALIEN OR PAROLEE TO FISH THE BAHAMIAN BANKS, WHILE ESSENTIALLY RESERVING US WATERS TO NATIVE US FISHERMEN. WHEN FULL EXPLANATION OF FLORIDA LAW WAS MADE, DEMONSTRATING CLEARLY THAT IT WAS NOT DISCRIMINATORY, THE ISSUE OF RECIPROCITY, AND BAHAMIAN NATIONAL INTEREST, BECAME THE PEG ON WHICH TO HANG THEIR REFUSAL.

9. NO ATTEMPT HAS BEEN MADE BY GCOB OFFICIALS TO PREPARE BAHAMIAN PUBLIC FOR ACCEPTANCE OF AGREEMENTS WITH OTHER NATIONS. IN FACT, QUITE THE CONTRARY HAS BEEN THE CASE. US DEL HAS EXPERIENCED IN THE PAST WEEK COMMENTS FROM TAXI DRIVERS AND MEN ON THE STREET SUCH AS QUOTE OH, YOU'RE THE GUYS HERE TO STEAL OUR LOBSTERS UNQUOTE. AND, GCOB CONCEPT OF THEIR NATIONAL INTEREST DOES NOT APPEAR TO INCLUDE AVOIDANCE OF NEGATIVE CONSEQUENCES OF NOT REACHING AGREEMENT. TOP GCOB OFFICIALS MAY NOT HAVE THOUGHT THROUGH THE POTENTIAL EFFECTS OF A TERMINATED FISHERIES NEGOTIATION ON THE OVERALL RELATIONSHIP WITH THE U.S. AND, IF THEY HAVE, MAY HAVE CONCLUDED NO ADVERSE EFFECTS.

10. THE BAHAMIAN LAW REQUIRES RECIPROCITY IN ANY INTERNATIONAL FISHERIES AGREEMENT AND REQUIRES THAT ANY AGREEMENT BE IN BAHAMIAN NATIONAL INTEREST. GCOB DEL FRAMED RECIPROCITY ISSUE SO THAT EQUAL NUMBER OF BAHAMIAN VESSELS WOULD HAVE RIGHT TO SECRET

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FISH US LOBSTER AS US VESSELS WOULD HAVE RIGHT TO FISH BAHAMIAN LOBSTER. UNTIL TODAY, IN WHAT SEEMS TO BE A VERY NARROW DEFINITION OF THE WORD, GCOB HAS NOT SEEN ANY MEANINGFUL RECIPROCITY IN US PROPOSALS. FOR EXAMPLE, FLORIDA FISHERY IS AT OR NEAR MAXIMUM SUSTAINABLE YIELD AND, IN THEIR VIEW, COULD NOT ACCEPT ADDITIONAL FISHING PRESSURE. PRACTICALLY, NEW FISHERMEN ACTUALLY WOULD HAVE DIFFICULT TIME FINDING PLACES TO PUT TRAPS WHERE THERE ARE NOT ALREADY TRAPS IN PLACE. THE FIRST GLIMMER OF A BREAK IN THIS VIEW OF RECIPROCITY CAME TODAY, FOLLOWING LONG PRIVATE TALK BETWEEN ADDERLEY AND WALLACE, WHEN IN PLENARY SESSION ADDERLEY STATED HE COULD ACCEPT IN PRINCIPLE THE IDEA THAT RECIPROCITY MIGHT BE SOME BALANCE OF BENEFITS INSTEAD OF FISH FOR FISH RECIPROCITY. HIS STATEMENT WAS CAREFULLY WORDED, HOWEVER, TO AVOID AN ACTUAL AGREEMENT ON THE CONCEPT WHICH MIGHT IMPLY THAT GCOB WAS NOW READY TO NEGOTIATE. HE CLEARLY DID NOT CONSIDER LICENSE FEES OR PER POUND TAXES, ALTHOUGH NECESSARY TO AGREEMENT, AS ANY PART OF RECIPROCITY, NOTING THAT USG WOULD DO THE SAME IN THE REVERSE SITUATION. HE APPARENTLY VIEWS TECHNICAL ASSISTANCE, TRAINING PROGRAMS AND OTHER UNSPECIFIED ITEMS AS BEING THE QUID ON RECIPROCITY. THE QUESTION SEEMED TO BE HOW MUCH QUID THE USG COULD COME UP WITH, AND AS USUAL, ADDERLEY CAREFULLY REFRAINED

FROM MAKING ANY SUGGESTIONS AS TO WHAT THOSE OTHER ITEMS MIGHT BE.

11. SECOND MAJOR ISSUE TODAY, AGAIN IN RESPONSE TO PRIVATE TALK BETWEEN WALLACE AND ADDERLEY PRIOR TO TODAY'S SESSION, WAS ON STOCK ASSESSMENT AND SOME CONCEPT OF RATIONAL STOCK UTILIZATION. ADDERLEY, WITH ALMOST EXCESSIVE USE OF CAVEATS, NOTED THAT IT MIGHT BE POSSIBLE TO SCIENTIFICALLY DETERMINE WHAT THE OPTIMUM LEVEL OF HARVEST OUGHT TO BE. IT WOULD BE POSSIBLE TO DETERMINE LEVEL OF BAHAMIAN FISHING EFFORT. AND, IT MIGHT BE POSSIBLE TO DETERMINE WHAT PROPORTION OF THE REMAINING AVAILABLE YIELD WOULD, IF NOT HARVESTED, BE LOST THROUGH MIGRATION OR MORTALITY OF ONE SORT OR NOTHER. HE THEN NOTED THAT THE PORTION WHICH WOULD BE LOST IF NOT HARVESTED COULD PERHAPS BE VIEWED AS NOBODY'S RESOURCE IN PRACTICAL TERMS, AND THEREFORE MIGHT POSSIBLY BE MADE AVAILABLE FOR HARVEST BY US BASED FISHERMEN IF OTHER ISSUES COULD BE RESOLVED. THIS MATTER OF STOCK ASSESSMENT WAS REFERRED TO THE SCIENTIFIC COMMITTEE FOR FURTHER SECRET

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REVIEW WITH A CHARGE TO REPORT BACK ON WEDNESDAY AT NEXT PLENARY SESSION. TUESDAY IS CABINET DAY AND ADDERLEY PREFERRED TO HAVE SCIENTIFIC COMMITTEE WORK ALL DAY TUESDAY NOTING THAT WOULD FREE HIM FOR CABINET MEETINGS.

12. ALTHOUGH IT IS DIFFICULT AT THIS POINT TO PREDICT ULTIMATE OUTCOME OF TALKS, THERE IS STILL A DISTINCT POSSIBILITY THAT NO AGREEMENT WILL BE REACHED. IN THIS SHOULD PROVE TO BE THE CASE, IT SEEMS LIKELY THAT MANY US BASED FISHERMEN WILL CONTINUE TO FISH THE BAHAMIAN BANKS AND THAT INCIDENTS OF VIOLENCE WILL OCCUR WHEN FISHERMEN AND GCOB POLICE BOATS MEET AT SEA. SINCE GCOB ONLY HAS FOUR POLICE BOATS, IT IS UNLIKELY THERE WOULD BE MANY INCIDENTS, BUT THERE WOULD WITHOUT DOUBT BE SOME. ADDITIONALLY, THERE IS SOME CAUSE TO BELIEVE THAT ELEMENTS OF US BASED CUBAN-AMERICAN FISHERMEN WOULD TAKE STEPS TO DESTROY BAHAMIAN POLICE BOATS AT THEIR MOORINGS.

13. BEYOND THE ABOVE, THERE ARE OBVIOUSLY OTHER IMPLICATIONS OF NON-AGREEMENT FOR US-GCOB RELATIONS. SINCE THIS IS FIRST ATTEMPT AT NEGOTIATIONS SINCE INDEPENDENCE, FAILURE IN FISHERIES IS FOUND TO AFFECT ATTITUDE TOWARD BASE NEGOTIATIONS. EFFECTS COULD BE MULTIPLIED SUBSTANTIALLY BY OCCURRENCE OF VIOLENCE AT SEA WHICH US IS UNABLE TO PREVENT. WHILE NO LINKAGE BETWEEN FISHERIES AND BASES HAS BEEN ARTICULATED BY GCOB, MINEXTAFF'S OPENING STATEMENT (REPORTED IN PREVIOUS CABLE) SHEDS SOME LIGHT ON GCOB'S PRIORITIES.

14. US DEL CONTINUES TO HOLD IN RESERVE FOR FUTURE USE A STATEMENT ON OUR VIEW OF REQUIREMENTS OF CUSTOMARY STATE PRACTICE WHEN COASTAL STATES INTRODUCE EXPANSIONS OF EXCLUSIVE

CONTROL OVER RESOURCES WHICH HAVE BEEN PREVIOUSLY REGARDED BY
AFFECTED STATES AS HIGH SEAS RESOIRCES. A DRAFT OF THIS STATE-
MENT WILL BE SENT SEPTTEL FOR DEPT REVIEW.

15. IN SUM, TALKS WILL CONTINUE WEDNESDAY WHICH MAY PROVIDE
BETTER INDICATION OF HOW HIGH THE PRICE WILL HAVE TO GO TO
INDUCE GCOB ACCEPTANCE. MOST LIKELY PROSPECT FOR AGREEMENT
WOULD SEEM TO BE RELATIVELY SHORT TERM EXECUTIVE AGREEMENT
WITH PROVISIONS FOR EXTENSION. SUCH AGREEMENT WOULD SET NUMBER
OF LICENSES AND FEES AFTER STOCK ASSESSMENT CONSIDERATIONS
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AS IN PARAGRAPH 11 ABOVE. UNDER EXECUTIVE AGREEMENT LICENSES
WOULD BE AVAILABLE FOR PURCHASE FROM GCOB WITH SOME NON-
DISCRIMINATION PROVISIONS AS US REQUIREMENT. AGREEMENT WOULD
ALSO HAVE TO INCLUDE SOME LANGUAGE ON ENFORCEMENT, NOTING LIMITS
ON US LEGAL AUTHORITY SHORT OF A TREATY. ADDITIONALLY, IT
APPEARS THAT TRAINING PROGRAM CONCEPT MAY BE OF SUCH NATURE
THAT USAID SHOULD BE INVOLVED. US DEL IS EXPLORING VARIOUS
WAYS TO APPROACH TRAINING ACTIVITY.

16. FOR OES/OFA: SUPPLEMENTARY CIRCULAR 175, AUTHORITY FOR
EXECUTIVE AGREEMENT, CONTAINED IN ACTION MEMO OF MONDAY,
AUGUST 11, IS NEEDED IMMEDIATELY TO BACKUP ABOVE POSSIBLE
POSITION.
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